



County of Los Angeles CHIEF EXECUTIVE OFFICE

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September 7, 2011

To: Mayor Michael D. Antonovich
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Don Knabe
Supervisor Zev Yaroslavsky

From: William T Fujioka
Chief Executive Officer

SACRAMENTO UPDATE

This memorandum contains a change of County position on legislation regarding local bankruptcy; an update on two County-sponsored measures related to the Los Angeles Regional Interoperable Communications System (LA-RICS) and authorization of government medical consent by a probation officer for detained minors; the status of five County-advocacy measures; and a report on County-interest legislation regarding public safety realignment.

Change of County Position on Legislation

County-opposed AB 506 (Wieckowski), which would have required local government participation in a neutral evaluation process prior to filing for bankruptcy, was amended on September 2, 2011 to allow local agencies to file for Chapter 9 bankruptcy protection by adopting a resolution by a majority vote of the governing board at a noticed public hearing. The hearing notice must include findings that the financial state of the local public entity jeopardizes the health, safety, or well-being of the residents of the local public entity's jurisdiction or service area absent bankruptcy protections. With these amendments, AB 506 no longer conflicts with existing Board policy to oppose measures which would diminish the authority of the Board of Supervisors. Therefore, **the Sacramento advocates will remove opposition to AB 506 and take no position on this measure.**

"To Enrich Lives Through Effective And Caring Service"

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Status of County-Sponsored Legislation

County-sponsored AB 946 (Lowenthal), which as amended on August 31, 2011, would authorize the County of Los Angeles, or the Los Angeles Regional Interoperable Communications System (LA-RICS) Authority located in Los Angeles County, to procure a regional interoperable communications system by utilizing a solicitation process to award a contract for the design and build of a communications system and related infrastructure, passed the Senate Floor by a vote of 40 to 0 on September 6, 2011. This measure now proceeds to the Assembly for concurrence in Senate amendments.

County-sponsored SB 913 (Pavley), which would authorize a probation officer to consent to non-emergency medical care, under specified conditions, for detained minors if the parent or legal guardian cannot be located, was signed by Governor Brown on September 6, 2011. This measure is Chapter 256, Statutes of 2011 and it becomes effective January 1, 2012.

Status of County-Advocacy Legislation

County-supported AB 25 (Hayashi), which as amended on August 30, 2011, would require a school district that elects to offer athletic programs to require an athlete suspected of having a concussion or head injury to be removed from the activity and be cleared by a health care provider prior before returning to the activity, passed the Assembly Floor by a vote of 71 to 0 on September 6, 2011. This measure now proceeds to the Governor.

County-opposed unless amended AB 646 (Atkins), which as amended on June 22, 2011, would authorize an employee organization to request a fact-finding panel to resolve labor disputes when a mediator is unable to reach a settlement, passed the Assembly Floor by a vote of 42 to 23 on September 6, 2011. This measure now proceeds to the Governor.

County-supported AB 1319 (Butler), which as amended on August 22, 2011, would prohibit the commercial manufacture, sale, or distribution of any bottle or cup containing Bisphenol A at a level above 0.1 parts per billion, if the product contains food or beverage that is intended for consumption primarily by children three years of age or younger, passed the Assembly Floor by a vote of 49 to 27 on September 6, 2011. This measure now proceeds to the Governor.

County-supported AB 1382 (Hernández), which as amended on July 7, 2011, would authorize HIV counselors to perform skin punctures for hepatitis C virus (HCV) or a combination of HIV/HCV tests, passed the Assembly Floor by a vote of 68 to 0 on September 6, 2011. This measure now proceeds to the Governor.

County-supported SB 332 (Padilla), which would authorize a landlord of a residential dwelling unit to prohibit the smoking of cigarette or tobacco products on the property of any building on which the dwelling unit is located, was signed by Governor Brown on September 7, 2011. This measure is Chapter 264, Statutes of 2011, and it becomes effective January 1, 2012.

Legislation of County Interest - Public Safety Realignment Clean-Up Legislation

AB 109 (Chapter 15, Statutes of 2011) and AB 117 (Chapter 39, Statutes of 2011) enacted the public safety realignment which shifted responsibility for the supervision of low-level offenders from the State to counties and changed the sentencing structure for non-violent, non-serious and non-sex felony offenses. These measures also established Post-Release Community Supervision (PRCS) for certain individuals released from State prison and authorized the PRCS Supervising Agency to impose sanctions for violations and to initiate revocation proceedings for those in violation of their PRCS.

After passage of the public safety realignment legislation, certain technical issues related to sentencing were identified. Additionally, language granting statutory authority to the supervising agency, the courts and county correctional administrators to carry out a number of necessary functions associated with the new sanction and revocation responsibility was not included in the original legislation. These issues would have imposed a number of constraints upon implementation of the public safety realignment program on October 1, 2011. As a result, the following technical clean-up legislation related to public safety realignment has been introduced.

ABX1 17 (Blumenfield)/SBX1 5 (Senate Budget and Fiscal Review Committee), are identical bills which, as amended on September 2, 2011, would among other provisions: 1) provide necessary technical fixes and clarify sentencing guidelines and custody credits; 2) clarify the release process for individuals under PRCS; 3) authorize the PRCS Supervising Agency to arrest individuals on PRCS who are in violation and detain them in custody until a revocation hearing; 4) authorize the Court to issue warrants for individuals on PRCS who abscond or fail to appear for a revocation hearing; 5) toll the supervision period for PRCS absconders; 6) authorize the Sheriff to detain individuals under PRCS who are in violation or for flash incarceration; 7) clarify the timeline and discharge process for individuals under PRCS and parole; and 8) allow

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a county boards of supervisors to contract with the California Department of Corrections and Rehabilitation to house State prison inmates who are within 60 days or less of their release in a local jail facility for reentry planning purposes.

ABX1 17 passed by the Senate Floor by a vote of 22 to 14 on September 7, 2011. This measure now returns to the Assembly Floor for concurrence in the Senate amendments.

SBX1 5 is scheduled for a hearing in the Assembly Budget Committee on September 7, 2001.

We will continue to keep you advised.

WTF:RA
MR:IGEA:sb

c: All Department Heads
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